

EXHIBIT A

Barger Steven B. 081018 Rough Draft

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24 in differences in content, page and line numbers,
25 punctuation and formatting.

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Have you seen these before?

11 A Yeah.

12 Q Okay. Do these appear to be text messages

13 between you and Mr. Hack?

14 A They do.

15 Q Do you recall any text messages between you

16 and Mr. Hack that are not in this document?

17 A No, I can't remember.

18 Q Do you have any reason to believe that

19 Mr. Hack deleted any of these -- any text messages?

20 A I wouldn't have an opinion.

21 Q So do you believe that these constitute all of

22 the text messages between you and Mr. Hack?

23 A I have no idea.

24 Q Okay. When was the last time you spoke to

25 Jeff Hack?

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1 A I don't remember.

2 Q Okay. Why didn't you sue Jeff Hack in this

3 case when you sued Mr. Bisignano, Mr. Marino,

4 Mr. Charron, Ms. Johnson, Ms. Whalen and originally

5 Ms. Graesser?

6 A I don't know. Maybe I didn't think he had

7 anything to do with it.

8 Q So he was your immediate supervisor, right?

9 A Yeah.

10 Q So --

11 A Are you saying I should have sued him?

12 Q I'm asking why

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13 else.

14 A Right.

15 MR. SHEARER: Objection.

16 Q You sued Mr. Hack's supervisor Mr. Charron,
17 why didn't you sue Mr. Hack who was your supervisor at
18 the time that you were laid off?

19 A I didn't think that he had anything to do with
20 it.

21 Q Well, why did you think the other ones had
22 things to do with it?

23 A Because I thought they were the ones making
24 the decisions.

25 Q And you had no knowledge at all that Mr. Hack

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1 wasn't making any decisions?

2 A No.

3 Q And he was your supervisor?

4 A Right.

5 Q And had been your supervisor for over a year?

6 A Right.

7 Q Did he tell you that he had nothing to do with
8 the decision?

9 A I don't remember.

10 Q Okay. And it never crossed your mind at all?

11 A Never. Never.

12 Q That Mr. -- and why?

13 A I didn't think it's something he would do.

14 Q You didn't think it was something that he

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15 would do, but you thought it was something that the
16 others would do?

17 A Apparently.

18 Q Well, not apparently. You filed a lawsuit?

19 A Right.

20 Q It can't be based on apparently -- you can't
21 be apparently. You have to have a belief. You have to
22 have facts.

23 A I needed to find out. I wanted whoever is
24 responsible for not allowing me to come back to work and
25 that's why I had no idea who it was so that's why.

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1 Q So now I understand so because you weren't
2 sure about who was responsible you decided to sue
3 everyone so you could find out who was responsible?

4 MR. SHEARER: Objection.

5 Q Is that what you did?

6 A I don't remember.

7 Q I just want to clarify your testimony or I
8 want to make sure that I got it right.

9 You said when I asked you the questions about
10 why you sued the individuals, you said I needed to find
11 out, I wanted whoever is responsible for not allowing me
12 to come back to work and that's why I had no idea it
13 was, so that's why, so that's why you sued
14 Mr. Bisignano, Mr. Marino, Mr. Charron, Ms. Whalen,
15 Ms. Johnson and Ms. Graesser, so you could find out who
16 made the decision?

17 MR. SHEARER: Objection.

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18 A I thought they all made the decision.

19 Q You thought they all made, but that Mr. Hack
20 had no part in it?

21 A Had no part at all. I didn't have any reason
22 to think he did.

23 Q Okay. Turn, if you would, in Exhibit 147 to
24 the page, the second-to-last page, which is FDC00052696.
25 Do you see that?

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1 A Yeah.

2 Q And there is a text message from you I'll
3 represent that I believe that you're the gray shaded one
4 and Mr. Hack is the darker one?

5 A Right.

6 Q And on January 3rd, 2017, now, this is before
7 you were notified that you had been terminated, right?

8 A Right.

9 Q And you write to Mr. Hack need to talk about
10 my return?

11 A Right.

12 Q Is sales transformation and training under HR
13 now?

14 A Right.

15 Q Question mark why did you ask him that
16 question?

17 A Because Tony had told me that robin was the
18 interim person heading up the training.

19 Q So why if Mr. Marino had told you that, why

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25 A I do.

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1 Q I think we've just established that during the
2 course of those negotiations First Data increased its
3 monetary offer to you; is that correct?

4 MR. SHEARER: Objection.

5 A I don't know the dates of when that happened,
6 no.

7 Q Okay. You don't know that the severance
8 agreements that you received that raised the number to
9 \$500,000 were before February 28?

10 A I see this one in February.

11 Q Right. And this is an increase from the first
12 offer.

13 A Right.

14 Q So --

15 MR. SHEARER: Objection.

16 Q So can you please tell me how -- how the
17 defendants engaged in bad faith negotiations of
18 severance with you when they increased the offer?

19 A I wasn't in that meeting. I don't know.

20 Q Well, it's your complaint, you allege --

21 A My attorney is telling me it was in bad faith
22 and I agree with my attorney.

23 Q So if your attorney told you that it was bad
24 faith for the company to increase its severance offer to
25 you, that was okay for you to put this in your complaint